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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,732	03/22/2004	John S. Love	P2009US00	9570
35633	7590	03/08/2006	EXAMINER	
GATEWAY, INC. 610 GATWAY DRIVE ATTENTION: GAYLE BEKISH, MAIL DROP Y-04 NORTH SIOUX CITY, SD 57049			WRIGHT, INGRID D	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,732

Applicant(s)

LOVE, JOHN S.

Examiner

Ingrid Wright

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 12, 13, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 10, 11, 14-16, 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-9, 12 & 13, 17 & 18 are allowed.

The following is an Examiner's statement for reasons for allowance. The allowability resides in the overall structure of the device as recited in independent claims

Regarding claims 1-9, 12, 13, 17 & 18 because claim 1 recites: "a surface rotatable about the first axis and comprising a display window; and a display surface underlying the surface rotatable about the first axis, the display surface comprising a first directional indicator indicating a counterclockwise rotational direction and positioned to be revealed in the display window when the multiaxial hinge assembly is rotated substantially to the clockwise limit, and a second directional indicator indicating a clockwise rotational direction and positioned to be revealed in the display window when the multiaxial hinge assembly is rotated substantially to the counterclockwise limit," claim 4 recites: "a display surface substantially centered on and normal to the first axis, comprising a first rotational directional indicator positioned along a first radius of the first axis at a first radial distance, and a second rotational directional indicator positioned along a second radius of the first axis at substantially the same distance as the first radial distance; and a first display window overlying the display surface dimensioned and adapted to selectively display the first and second directional indicators therethrough; wherein a rotation of the pivot platform to the clockwise limit enables the first directional indicator to be displayed in the first display window and a rotation of the pivot platform to the counterclockwise clockwise limit enables the second directional indicator to be to be displayed in the first display window, " claim 10 recites: "an indicator to provide an indication to user to avoid an incorrect rotation about the first axis and an actuator means to provide a signal corresponding to a rotational direction of the hinge assembly and indicator means operatively coupled to the actuator means

Art Unit: 2835

to provide an indication to a user of the rotational direction,” and claim 12 recites: “a method of providing an indication to a user of a direction of rotation about a first axis of a multiaxial hinge assembly that enables rotation about at least two orthogonal axes,” claim 17 recites: “the arrow is revealed in a window positioned on a surface of a multiaxial hinge assembly.” The aforementioned limitations in combination with all remaining limitations of claim 1, 4 & 12 are believed to render the claims 1-9, 12, 13, 17 & 18 and all claims dependent therefrom patentable over the art of record.

The allowability of claims 16 is withdrawn. See the rejection of claim 16 below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 14-15 & 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon US 6275376 B1 in view of Mizuta US 20040203532 A1, further in view of Taneya et al. US 20050181846 A1.

With respect to claim 10, Moon teaches (Fig. 1B) a multiaxial hinge assembly (25) that enables rotation about a first axis (21) between a clockwise limit and a counterclockwise limit and rotation about a second axis (23) that is orthogonal to the first, but does not provide an indicator to a user of the rotational direction.

Art Unit: 2835

Mizuta teaches (Fig. 5A,5B) an indicator means that comprises an actuator means (111a, 111b, 111c, 204a) to provide a signal corresponding to a rotational direction of the hinge assembly (300).

Mizuta does not specifically teach an indicator means to provide an indication to a user of the rotational direction.

Taneya et al. teaches an indicator means (47b) to provide an indication to a user of the rotational direction about a second axis (col. 6, par. 0075).

Since the invention of Mizuta and Taneya et al. are in a related field of endeavor (all electronic devices with displays), the actuator means of Mizuta and the indicator means of Taneya et al. would be realized in the invention of Moon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the indicator means about as taught by Taneya et al. about a first axis and the actuator means of Mizuta in the invention of Moon, in order to provide a warning to the user regarding the limit or rotatable bound of the display.

With respect to claim 11, Mizuta teaches (Fig. 2) a magnet (204a, 204c) rotatable about a first axis between the clockwise and counterclockwise limits and a magnet sensor (111a, 111b, 111c) to provide a signal which may be used to determine whether the magnet (204a, 204c) is positioned substantially proximate the clockwise limit or the counterclockwise limit.

With respect to claim 14, Moon teaches a notebook type portable computer (10) (Fig. 1B) comprising a display portion (40), a main body portion (20) and a multiaxial hinge assembly (25)

Art Unit: 2835

on which the display portion (40) is mounted to the main body portion (20) and which enables the display portion (40) to be rotated relative to the main body portion (20) about at least two orthogonal axes (21,23).

Moon does not teach a means to indicate a direction of rotation about a first axis when the display portion is rotated about the first axis substantially to at least one predetermined position.

Mizuta teaches (Fig. 2) an indication (204a, 204c, 111a, 111b, 111c) in regards to a direction of rotation about an axis when the display portion is rotated about an axis substantially to at least one predetermined position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the invention as taught by Mizuta in the invention of Moon, in order to provide a warning to the user of the rotatable bounds of the display.

With respect to claim 15, Mizuta teaches a rotational limit.

With respect to claim 19, Mizuta teaches a LED (122) used as a visual alert (col. 3, par. 0044).

With respect to claim 20, Mizuta teaches a speaker (203) used as an audible alert (col. 3, par. 0048).

With respect to claim 21, Mizuta teaches a software routine to generate visual or audible indicators. (inherent)

Art Unit: 2835

3. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon US 6275376 B1 in view of Mizuta US 20040203532 A1, further in view of Brazell et al. US 6536371 B2.

With respect to claim 16, Moon teaches a display portion (40), a main body (20) and a multi-axial hinge assembly (25) on which the display portion (40) is mounted to the main body (20) portion and which enables the display portion (40) to be rotated relative to the main body portion (20) about at least two orthogonal axes, the multi-axial hinge assembly (25) comprising means to indicate a direction of rotation about a first axis when the display portion (40) is rotated about the first axis substantially to at least one predetermined position.

Moon is silent as to a means to indicate a rotation, a rotational limit and an arrow.

Mizuta et al. teaches (see, fig. 2) a means to indicate a direction of rotation (204a,204c,111a,111b,111c) about an axis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the rotation indication of Mizuta et al., in the invention of Moon, in order to provide a mechanism to detect rotation of rotating member (see, col. 3, par. 0044).

Brazell teaches a plurality of arrows (see, +arrow & -arrow, shown in fig. 2 of Brazell).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the indication to rotation means of Mizuta et al. and the arrows of Brazell, in the invention of Moon, in order to provide a visual indication of correspondence between direction of rotation of a rotary element and the movement of an associated member (see, Abstract of Brazell).

Response to Arguments

3. In response to the Applicant's argument that there is not suggestion to combine the references, the Examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skill in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is not requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969.

Applicant's arguments have been considered, but are moot in view of the rejection above. Moon teaches the multi-axial hinge assembly (25), which comprises a first axis (21) and second axis (23), but is silent as to an actuator and an indicator. Mizuta teaches the actuator means (111a, 111b, 111c, 204a) and Taneya et al. teaches the indicator means (47b). Since the inventions of Moon, Mizuta and Taneya et al. are in a related field of endeavor (all electronic devices with displays), the actuator means (111a, 111b, 111c, 204a) of Mizuta and the indicator means (47b) of Taneya et al., would be realized in the invention of Moon.

In response to the rotation direction argument, Mizuta et al. teaches a rotational direction, in response to movement from a first position to a second position.

In response to the indication of warning argument, Mizuta et al. teaches an audible warning indicator (122) (see, par. 0044 of Mizuta et al.), in regards to directional movement from a first position to a second position.

Art Unit: 2835

In regards to the signal argument, Taneya et al. teaches a signal sent to the indicator means (47b), when the display (47b) is rotated in a direction, from a first position to a second position (closed state) (see, par. 0075 of Taneya et al.).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

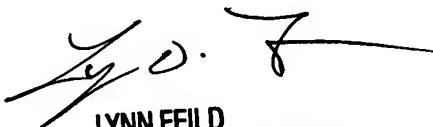
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571)272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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